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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,
Plaintiff,

vs.

LIONEL SCOTT ELLISON,
Defendant.

CAUSE NO. DC 11-0767

JUDGE RUSSELL C. FAGG

**STATE'S MOTION TO PRE-ADMIT
DEMONSTRATIVE EVIDENCE FOR
OPENING STATEMENT**

Comes now, the State of Montana, by and through Special Assistant Montana Attorney General and Special Deputy Yellowstone County Attorney Jameson C. Walker, for the State of Montana, and respectfully moves the Court for an order allowing the State to use several photographs that will be displayed as demonstrative exhibits during opening statement. The State will be presenting its opening statement using a digital presentation and will use several photographs during this statement. The foundation for the introduction of these photographs will be appropriately established through the proper witnesses during trial. None of the photographs are subject to any pending motions in limine. The photographs come from the investigative file, have been disclosed to the Defendant, and are described as follows:

1. Photographs Defendant submitted to Jennifer Norman on February 23, 2011, and date stamped 13/2/2011 (February 13, 2011).
 - a. Broken Dishwasher (15:24)
 - b. Downstairs Ceiling 2 (15:23)
 - c. Downstairs Ceiling (15:20)

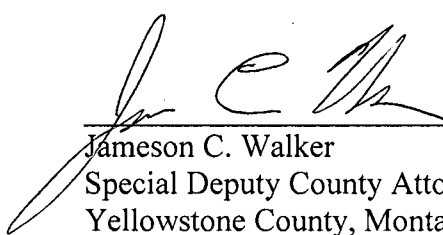
- d. Graffiti in Bathroom (15:38)
- e. Stollen *(sic)* Refrigerator&Trim *(sic)* missing (15:24)
- f. Wall Graffiti 2 (15:37)
- g. Wall Graffiti 3 (15:38)
- h. Wall Graffiti (15:37)
- i. 056 (15:27)
- j. 057 (15:27)

2. Photographs taken pursuant to a search warrant on March 9, 2011.
 - a. IMG_2003

3. Demonstrative Exhibit comparing three photographs:
 - a. 056 (15:27)
 - b. Wall Graffiti (15:37)
 - c. IMG_2003

Liz Honaker, Attorney for the Defendant, indicated that her client would not stipulate to the admission of any of the State's photographs. This motion concerns the use of the photographs as demonstrative exhibits used during its opening statement.

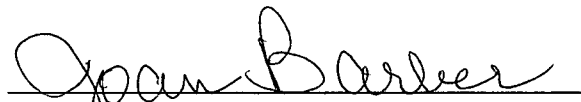
DATED this 2nd day of April 2013.


Jameson C. Walker
Special Deputy County Attorney
Yellowstone County, Montana

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing document was hand delivered, picked up by courier, email, or sent by U.S. Mail, postage paid, this 2nd day of April, 2013, to the following:

Elizabeth Honaker
208 N. 29th St, Ste 206
P.O. Box 2236
Billings, Montana 59103


Joan Barber, Legal Secretary